

20064. Adulteration and misbranding of butter. U.S. v. 24 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 28463. Sample No. 7453-A.)

This case involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 22, 1932, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 cases of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped in interstate commerce, on or about June 13, 1932, by Armour Creameries, from Jackson, Miss., to Baton Rouge, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Spring Brook Brand Creamery Butter * * * Distributed by Armour Creameries, * * * Chicago."

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law.

Misbranding was alleged for the reason that the article was labeled "Butter", which was false and misleading.

On July 12, 1932, Armour & Co., Ltd., New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be reworked under the supervision of this Department and that it should not be sold or otherwise disposed of until inspected and found to comply with the Federal Food and Drugs Act.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20065. Adulteration of mustard seed. U.S. v. 165 Bags of Mustard Seed. Consent decree ordering product released under bond to be reconditioned. (F. & D. No. 28465. Sample No. 10076-A.)

This action involved a lot of imported mustard seed which, upon examination, was found to be filthy.

On July 13, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 165 bags of mustard seed, alleging that the article had been shipped in foreign commerce, by A. J. & Co., Inc., from Hull, England, to New York, N.Y., that it had been entered at the port of New York on or about August 20, 1928, that it remained in the original unbroken packages at Hoboken, N.J., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "A. J. & Co., England."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 29, 1932, the Charles T. Wilson Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning the product, judgment was entered ordering that the goods be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it be cleaned to eliminate the filthy material, that it be inspected by a representative of this Department, and that any part which had not been properly cleaned and brought into compliance with the Federal Food and Drugs Act be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20066. Adulteration and misbranding of butter. U.S. v. 35 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. No. 28404. Sample No. 10940-A.)

Samples of butter from the shipment herein described were found to contain less than 80 percent of milk fat, the standard provided by Congress.

On June 1, 1932, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 35 cases (30 one-pound cartons each) of butter